

JUL 24 2013

No. S - 135555

Vancouver Registry



BETWEEN

IN THE SUPREME COURT OF BRITISH COLUMBIA

GRACE JESSIE WEST

PLAINTIFF

AND

JOHN FURLONG, ROMAN CATHOLIC ARCHDIOCESE OF VANCOUVER, ROMAN
CATHOLIC PRINCE GEORGE DIOCESE AND CATHOLIC INDEPENDENT SCHOOLS
DIOCESE OF PRINCE GEORGE

DEFENDANTS

NOTICE OF CIVIL CLAIM

This action has been started by the plaintiff(s) for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the plaintiff(s),

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

CLAIM OF THE PLAINTIFF

PART 1: STATEMENT OF FACTS

The Parties

1. The Plaintiff, Grace Jessie West, was born on May 29, 1960. She attended Immaculata Roman Catholic Elementary School ("Immaculata Elementary") in Burns Lake, British Columbia in 1969 and 1970.
2. Immaculata Elementary was a Roman Catholic non-residential educational institution and operated from 1957 until it was shut down in 1986. Immaculata Elementary was owned, administered and operated by the defendants Roman Catholic Archdiocese of Vancouver (the "Archdiocese"), Roman Catholic Diocese of Prince George (the "Diocese") and Catholic Independent Schools Diocese of Prince George ("CISDPG"). CISDPG and the Diocese have an office for delivery at 6500 Southridge Avenue in Prince George. The Archdiocese has an address for delivery at 150 Robson Street in Vancouver.
3. The Defendant John Furlong was employed at and by Immaculata Elementary as a physical education teacher in 1969 and 1970.

Physical Abuse

4. The Defendant John Furlong kicked the Plaintiff in the buttocks almost every day of school. The Defendant John Furlong would also kick the Plaintiff's legs and back. The Defendant did this when no one was around to witness the abuse. The Defendant Furlong used offensive epithets while kicking the Plaintiff, including calling her "dirty Indian" and "squaw".

Sexual Touching

5. The Defendant John Furlong sexually molested the Plaintiff. The Defendant John Furlong touched her breasts and her vaginal area in the changing room after gym class

after the other children left. The Defendant John Furlong stroked his penis while touching the Plaintiff. The Defendant John Furlong would touch the Plaintiff sexually approximately once a week when the Plaintiff was isolated.

6. At all material times, the Defendants CISDPG, the Archdiocese and the Diocese were aware that the Defendant John Furlong was sexually touching the Plaintiff and other children enrolled at Immaculata Elementary. The Plaintiff told her father about the physical and sexual abuse by the Defendant John Furlong. The Plaintiff's father confronted the Defendant John Furlong and the Principal or senior administrator of Immaculata Elementary. The Plaintiff's father removed her from Immaculata Elementary because of the physical and sexual abuse. The Plaintiff had to attend a school in Smithers instead.
7. Children of other parents also informed the Defendants that John Furlong was sexually and physically abusing their children. CISDPG, the Archdiocese and the Diocese knew that John Furlong was a risk to children under his control at the time he was hired at Immaculata Elementary.
8. CISDPG, the Archdiocese and the Diocese failed to prevent John Furlong from sexually and physically abusing the Plaintiff. They also failed to implement appropriate policies to ensure that they did not hire or continue to employ persons who are a risk to the sexual and physical integrity of children enrolled at Immaculata Elementary.
9. The abuse of the Plaintiff by John Furlong violated the Plaintiff's sexual integrity and caused her to suffer health and psychological problems and conditions, including anxiety and depressive conditions and difficulty forming appropriate and enduring sexual and emotional bonds.

Defamation

10. Following the abuse, the Plaintiff was intimidated by the Defendants and their influence, she was suffering emotionally and psychologically from the abuse, and was generally disempowered as a result of racism and geographic isolation. She did not seek legal advice and was unaware that she could bring legal action against the Plaintiffs.
11. The Plaintiff sought legal advice only after viewing a televised press conference held on September 27, 2012, in which the Defendant John Furlong responded to a series of articles published by the Georgia Straight newspaper.

12. During the press conference, John Furlong stated or implied that persons who had alleged that he had sexually or physically abused them at Immaculata Elementary were lying or were liars who were attempting to extort him. The words spoken by John Furlong at the press conference, in their ordinary meaning and/or by way of innuendo, were intended to mean and did mean that his accusers, including the Plaintiff, were dishonest and was engaged in criminal activity. The words spoken by John Furlong were false, defamatory, maliciously spoken, dishonest and calculated to intimidate his victims and discourage them from coming forward. The words damaged the Plaintiff's reputation and deepened the emotional and psychological injuries caused by her physical and sexual abuse.

Part 2: RELIEF SOUGHT

1. The Plaintiff claims against the Defendants, and each of them, for:
 - (a) general and special damages;
 - (b) punitive, aggravated and exemplary damages;
 - (c) interest pursuant to the Court Order Interest Act, R.S.B.C. 1996, c. 79;
 - (d) costs; and
 - (e) any and all other relief that may be just and fair.

Part 3: LEGAL BASIS

1. John Furlong's sexual and physical abuse are intentional torts and constitute a breach of fiduciary duty. The remaining Defendants are vicariously liable for John Furlong's sexual and physical abuse.
2. John Furlong is liable in defamation for the statements he made at his September 27, 2012 press conference.

Plaintiff's address for service:

Gratl & Company
Barristers and Solicitors
302 – 560 Beatty Street
Vancouver, B.C.
V6B 2L3

Attn: Jason Gratl

Fax number address for service: (604) 608-1919

E-mail address for service: N/A

Place of trial: Vancouver, B.C.

The address of the registry is: 800 Smithe Street, Vancouver, B.C.

Date: July 24, 2013



Signature of Lawyer for the Plaintiff
Jason Gratl

Gratl & Company
Barristers and Solicitors
302 – 560 Beatty Street
Vancouver, B.C. V6B 2L3
Telephone: 604-694-1919
Facsimile: 604-608-1919

Rule 7-1 (1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

(a) prepare a list of documents in Form 22 that lists

(i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and

(ii) all other documents to which the party intends to refer at trial, and

(b) serve the list on all parties of record.

Appendix

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

This claim seeks compensation for childhood sexual abuse.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

☐ a motor vehicle accident

☐ medical malpractice

☒ another cause

A dispute concerning:

☐ contaminated sites

☐ construction defects

☐ real property (real estate)

☐ personal property

☐ the provision of goods or services or other general commercial matters

☐ investment losses

☐ the lending of money

☐ an employment relationship

☐ a will or other issues concerning the probate of an estate

☒ a matter not listed here

Part 3: THIS CLAIM INVOLVES:

☐ a class action

☐ maritime law

☐ aboriginal law

☐ constitutional law

☐ conflict of laws

☒ none of the above

☐ do not know

Part 4:

Court Order Interest Act, R.S.B.C. 1996 c. 79